

1644

**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number 09/709,774

Filing Date November 8, 2000

First Name Inventor Sette, Alessandro

Group Art Unit 1644

Examiner Name DeCloux, Amy M.

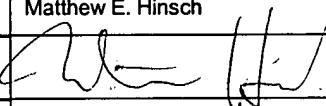
Attorney Docket Number 018623-006240US

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ENCLOSURES (check all that apply)

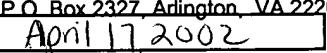
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Sequence listing on paper
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	Sequence listing on disk
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	

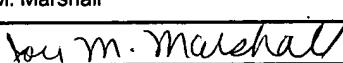
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Matthew E. Hirsch	Reg. No. 47,651
Signature		
Date	April 17, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office, Box: Sequence, P.O. Box 2327, Arlington, VA 22202 on this date:



Typed or printed name	Joy M. Marshall	
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SF 1337659 v1



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SERIAL NUMBER	TRADEMARK FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/709,774	11/08/00	Sette et al	18623006240

EXAMINER	
Amy DeCloux	
ART UNIT	PAPER NUMBER
1644	

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

This application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically, on Tables I-III, page 5, and calim 95 (which has been renumbered as claim 35, see below), and claim 120, (which has been renumbered as claim 61, see below), amino acid sequences or nucleic acid sequences are disclosed which have no SEQ ID NO: tag.

Applicants are required to submit a disk and paper copy of the sequences according to the attached "Notice to Comply with the Sequence Rules." Applicant is reminded of the sequence rules which require a submission for all sequences of more than 9 nucleotides or 3 amino acids (see 37 C.F.R. 1.821-1.825) and is also requested to carefully review the submitted specification for any and all sequences which require compliance with the rules.

It is noted that the instant application is a continuation in part of an application which is in sequence compliance. The applicants are required to either submit a new CRF and Sequence Listing, or a letter authorizing the use of the sequence listing filed with the prior application, along with a statement that the sequences in the two cases are identical. The latter option is to be used only if said sequence listing contains SEQ ID NO:s for the disclosed and recited sequences which have no SEQ ID NO: tags. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Specifically, 37 C.F.R. 1.821 (e) states that a copy of the "Sequence Listing" referred to in paragraph © of this section must also be submitted in computer readable form in accordance with the requirements of § 1.824. The computer readable form is a copy of the "Sequence Listing" and will not necessarily be retained as part of the patent application file. **If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference may be made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified.**

37 C.F.R. 1.821(f) states that in addition to the paper copy required by paragraph © of this section and the computer readable form required by paragraph (e) of this section, a statement that the content of the paper and computer readable copies are the same must be submitted with the computer readable form. Such a statement must be a verified statement if made by a person not registered to practice before the Office.

Applicant is given TIME PERIOD of ONE EXTENDABLE MONTH, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)

2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

3. Mailed by Federal Express, United Parcel Service or other delivery service to:
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Customer Window, Box Sequence
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:
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Arlington, Virginia 22202

It is noted that in applicant's preliminary amendment filed 11/08/00, applicants requested that claims 1-77 be canceled, and that claims 78-125 be added. However, the instant application only contained claims 1-17. So newly added claims 78-125 have been renumbered as claims 18-66, in accordance with Rule 1.126.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy DeCloux whose telephone number is (703) 306-5821. The examiner can normally be reached Monday through Friday from 9:00 am to 6:00 pm. Or a message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Amy DeCloux, Ph.D.
Patent Examiner
Group 1640
Technology Center 1600
March 19, 2002

Amy DeCloux 3-19-02

$$\begin{array}{r} 125 \\ - 76 \\ \hline 43 \end{array} \qquad \begin{array}{r} 18 \\ 43 \\ \hline 41 \\ 12 \\ \hline 76 \end{array}$$